

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT - NEW YORK
★ SEP 26 2006
TIME ACTED
10:00 AM
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10:00 AM

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TREMAIN L. GRAHAM,

Plaintiff,

-against-

THE PEOPLE OF THE CITY OF NEW YORK;
THE PEOPLE OF THE STATE OF NEW YORK
DETECTIVE ROBERT F. REED; DETECTIVE
SUSAN MCDERMOTT; QUEENS GENERAL
HOSPITAL,

Defendants.

-----X
TRAGER, United States District Judge.

Plaintiff, Tremain L. Graham, filed this *pro se* action on April 12, 2006. Plaintiff's complaint alleged that his civil rights were violated by police officers from the 113th Precinct in Queens during the course of his arrest on February 28, 2006.

DISCUSSION

By Order dated May 18, 2006, the Court dismissed in part plaintiff's complaint as to defendants The People of the State of New York, The People of the City of New York, and Queens General Hospital. However, plaintiff was granted thirty (30) days from the entry of the Order to amend his Fourth Amendment claim against defendants Reed and McDermott. Plaintiff was specifically directed to allege whether he was eventually shown a search warrant by police or whether he or anyone who resides in the apartment where the search took place granted the police permission to enter the apartment. The Court's May 18, 2006 Order further directed to allege whether police officers allegedly destroyed property during the search, and if so, provide a detailed

description of the personal property that was allegedly destroyed.

On June 14, 2006, plaintiff filed an amended complaint alleging that "no search warrant [was] ever presented." Amend. Compl. at 8. Plaintiff also states that police officers are not the ones that destroyed his property during the course of his arrest on February 28, 2006.

CONCLUSION

Accordingly, plaintiff's Fourth Amendment claim shall proceed against defendants Reed and McDermott. The Clerk of Court is directed to issue summonses against Detective Robert F. Reed and Detective Susan McDermott of the 113th Precinct. The United States Marshal Service is directed to serve the instant Order, summonses, original complaint, amended complaint and May 18, 2006 Order upon defendants Reed and McDermott without prepayment of fees. A courtesy copy of the documents shall be served on the Corporation Counsel for the City of New York. The case is referred to Magistrate Judge Lois Bloom for pretrial supervision.

SO ORDERED.


DAVID G. TRAGER
United States District Judge

Dated: Brooklyn, New York

 9/18/2006